

# Idaho Standards For Commercial Driving Schools

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State Superintendent of Public Instruction



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## **IDAPA 08.02.02.240.01**

**Commercial Schools.** All driver education courses offered in Idaho commercial schools must be conducted in compliance with the requirements in the Standards for Commercial Driving Schools as approved on March 10, 2005.

### **1.0 DRIVING SCHOOL LICENSE**

- 1.1 Display of Licenses.** Commercial driving school licenses are not transferable and are to be conspicuously displayed in the principal place of business. All branch locations must meet the same requirements as the principal place of business.
- 1.2 Advertising.** Schools may represent that the school is licensed by the State Board of Education, and may use no other words to indicate compliance.
- 1.3 Applications.** All applications for an original or renewal license must be submitted on the most current form provided by the Department of Education. Applications must be submitted at least twenty (20) calendar days prior to licensing. Licensees must submit any change or revision to the information provided in the application within twenty (20) calendar days of any such change or revision. In addition to the requirements set forth in Section 49-2102 and 49-2104, Idaho Code, applications must include the items 1.4 through 1.8.
- 1.4 Certificate of Occupancy from the Local Area Fire Marshall or Local Authorized City or County Agency:**
  - a. If using a public building, a copy of the certificate issued to the building/room.
  - b. If using a private building, a copy of the certificate issued to the building/room.
  - c. If using public or private school facilities, a copy of the certificate is not required.
  - d. The building must meet the standards set forth in the American with Disabilities Act if services are provided to disabled students.

- 1.5 Certificate of Automobile Insurance.** Certificate of automobile insurance with a minimum of five-thousand dollars (\$5,000) (each person) medical insurance, one-hundred thousand dollars (\$100,000) liability, property damage and, five hundred thousand dollars (\$500,000) bodily injury and property liability, each person, each accident for each vehicle to be used for training.
- 1.6 Criminal History Check.** Anyone affiliated with the operation or instruction of a Commercial Driving School must undergo a criminal history check using the provisions in Section 49-2103, Idaho Code. If the employee remains continuously employed with a school, an additional background check is not required. However, when a person begins employment with another commercial driving school, a criminal history check is required.
- 1.7 School Policies.** Written school policies must be given to the student and parent or legal guardian that state the attendance and passing criteria and when additional fees may be charged to a student.

## **2.0 COMMERCIAL DRIVING SCHOOL VEHICLES**

- 2.1 Annual and Mechanical Vehicle Inspection.** Before a vehicle is used for instruction, a certified ASE mechanic must inspect the vehicle using the *Driver Education Vehicle Inspection Form* provided by the Department of Education, or a similar form provided by the ASE mechanic or vehicle technician. Vehicles not passing the inspection must be placed out of service until the needed repairs or equipment are made and the vehicle passes re-inspection.

Annual mechanical inspections must be completed every twelve (12) months using the *Twelve (12)-Month Vehicle Inspection Form* provided by the Department of Education or a similar form provided by an ASE mechanic.

Following any incident involving the driver education vehicle that requires an investigation and report by law enforcement, or in which the damage exceeds \$750 in damage, the school must withdraw the vehicle from the fleet and not use it for instruction until written proof of repairs by an ASE mechanic or vehicle technician has been submitted to the Department of Education.

**2.2 Required Equipment.** All motor vehicles used to practice driving lessons must be equipped with the following:

- a. **Dual Control Brake Pedal.** A dual control brake pedal within easy reach of the instructor and capable of bringing the vehicle to a stop in accordance with Section 49-933(7), Idaho Code.
- b. **Operating Safety Belts.** Operating safety belts for all occupants.
- c. **Rearview Mirror.** An inside rear view mirror for the exclusive use of the instructor.
- d. **Side-View Mirror.** Side-view mirror on each side of the vehicle, adjusted for the driver's use.
- e. **Signs.** Safely secured signs that can be seen from outside the vehicle to the rear and both sides of the vehicle;
  - 1) The signs and letters will be of contrasting colors so as to be clearly readable at one hundred (100) feet in clear daylight.
  - 2) Signs to the rear and sides will have "STUDENT DRIVER," "DRIVER EDUCATION," "DRIVER'S TRAINING" or DRIVING SCHOOL with not less than two (2) inch high lettering.
  - 3) Signs to both sides of the vehicle will have the name of the driving school with not less than two-inch (2) high lettering.

### **3.0 COLLISION/INCIDENT REPORTS**

The School must submit a Collision/Incident Report Form to the Department of Education within fifteen (15) days following any incident involving a driver training vehicle that required an investigation and report by law enforcement.

### **4.0 COMMERCIAL DRIVING SCHOOL FACILITIES**

Classrooms will be in compliance with local and state fire, safety, and health codes. Each school must provide adequate classroom space, seating, and a hard surface for writing for each student. At least one (1) sanitary facility must also be provided.

### **5.0 STUDENT RECORDS**

**5.1 Report of Students Enrolled.** Schools must submit to the Department of Education a report that includes the total number of students enrolled,

passed, failed, and withdrawn during the previous fiscal year between July 1 and June 30. The report must be submitted by August 1 of each year.

**5.2 Maintenance of Student Records.** Original student records must be made in ink, or inserted into computer records, and updated after each lesson. All original student records must be maintained for a minimum of three (3) years. Student records must be maintained for all students including those who passed, failed, or withdrew. Each student's record must include:

- a. Student's full name, address, and telephone number;
- b. Commercial Training (CT) permit number;
- c. Attendance records; and
- d. In-Car logs must be maintained in ink, include the following information, and shall be available in the vehicle during each student's drive:
  - 1) Student name;
  - 2) Commercial driver training permit number;
  - 3) Emergency contact name and phone number;
  - 4) Instructor's name;
  - 5) Date and time of each drive, including the amount of driving and observation time;
  - 6) Skills taught during each drive;
  - 7) Instructor remarks;
  - 8) Student's initials verifying time and date for each drive and observation;
  - 9) Final behind-the-wheel grade; and
  - 10) Special accommodations, if used.



## 6.0 MONITORING OF COMMERCIAL DRIVING SCHOOLS

The Department of Education shall monitor commercial driving schools and instructors for instructional and administrative compliance with state requirements.

- 6.1 **Access To Facilities.** All proposed or licensed commercial driving schools shall allow the Department of Education access to business facilities, and student records, with a thirty (30) days advance notice. However, if a formally signed safety complaint is filed with the Department of Education, the Department of Education shall be allowed immediate access upon prior notification to the school.
- 6.2 **Documentation.** Schools must fulfill requests for required documentation within twenty (20) calendar days.
- 6.3 **Review Provided to the School.** Upon completion of the physical review date, the Department of Education shall have twenty (20) calendar days in which to provide the commercial driving school owner a copy of such report.

## 7.0 DRIVING SCHOOL INSTRUCTOR LICENSE APPLICATION

- 7.1 **General Requirements.** Applicants must be at least twenty-one (21) years of age and have a high school diploma or a GED equivalent. Applicants for an original or renewal license must possess a valid Idaho Class A-D driver license and have a satisfactory driving record. A driving record will be determined satisfactory only if the applicant:
  - a. Has not received a court suspension or revocation that is not traffic related;
  - b. Has not been convicted of a traffic violation that carries a mandatory suspension or revocation of the driver's license within the preceding thirty-six (36) months;
  - c. Has not been convicted of more than one (1) moving traffic violation within any twelve (12) month period of the previous thirty-six (36) months;
  - d. Has not been convicted for driving while his driver's license was revoked or suspended.
- 7.2 **Medical Examination.** Applicants providing in-car instruction must have a medical examination from a licensed medical doctor that is equivalent to the requirements set forth in the Federal Motor Carriers Safety

Regulations (CFR 391.41, incorporated as Appendix A) or a current commercial driver license (CDL) medical certificate.

- a. The medical exam must indicate whether the applicant has any ailment, disease, or physical or mental disability(ies) that may cause momentary or prolonged lapses of consciousness or control, that is or may become chronic.
- b. Applicants must not be suffering from a physical or mental disability or disease that may prevent the applicant from maintaining reasonable and ordinary control over a motor vehicle or that could impair the applicant's ability to drive safely or instruct automobile drivers.
- c. The medical exam must be renewed every two (2) years.

**7.3 Education Requirements.** Required course work must be obtained through state agencies or accredited colleges or universities. Required course work may also be obtained through other professional and educational organizations as approved by the Department of Education.

- a. Applicants for an original license must have completed at least four (4) semester credit hours in driver education consisting of not less than two (2) semester credit hours of classroom driver education techniques and not less than two (2) semester credit hours of in-car, behind-the-wheel practicum of instructional techniques. Applicants must receive an eighty percent (80%) or higher grade for the courses as shown on an official transcript.
- b. Applicants for an original license must have also completed at least eight (8) semester credit hours in courses that will help prepare the applicant to be a teacher of driver education.
- c. The Department of Education will offer guidance and pre-approval of courses for original license applicants.

**7.4 Proficiency.** Applicants for an original license must pass a written test, administered by the Department of Education, with a grade of eighty percent (80%) or higher. The test will include:

- a. Requirements to obtain a driver license in Idaho;
- b. State Board Rules for Commercial Driving Schools
- c. Driver education and training technical content;
- d. Signs, signals, and markings;

- e. Idaho driving laws; and
- f. Instructional techniques.
- g. Applicants for an original license must submit an ITD skills test form that has been administered by an ITD skills tester within the past twelve (12) months, with a passing score of not more than seven (7) penalty points. If the applicant fails the skills test or knowledge test, the applicant must wait three (3) days before retesting.

**7.5 Professional Development.** Applicants for a renewal license shall provide verification of attendance or certificate of completion of at least fifteen (15) hours every two (2) years of professional development training in courses that expand the depth of knowledge of a driver education and training instruction. Examples include: motivating learners, learning styles, assessment, use of technology, classroom techniques, in-car techniques, developing lesson plans, and motor learning. Instruction may be obtained through state agencies, accredited colleges or universities, or other professional education organizations as approved by the Department of Education.

- a. The Department of Education shall maintain and distribute, annually, a listing of known available Driver Education offerings for license holders seeking professional development.
- b. The Department of Education shall offer at least fifteen (15) hours every two (2) years of professional development opportunities for driver education instructor license holders. Additionally, professional development training may be obtained through other state agencies, accredited colleges or universities, or other professional and educational organizations.

## **8.0 CELL PHONE USE DURING IN-CAR TRAINING**

Cell phone usage while a student is driving is limited to emergency purposes only.

## **9.0 APPROVED TEEN DRIVER EDUCATION AND TRAINING PROGRAM**

A teen driver between the age of fourteen and one-half (14 ½) and seventeen (17) may enroll in driver education and training to be eligible for a license at age fifteen (15). The commercial driver-training (CT) permit must be purchased before the student participates in any instruction. The following standards are the Approved Teen Driver Education and Training Program for commercial driver training schools.

## **9.1 Enrolled Students**

- a. A student is considered enrolled when the student attends the first day of a scheduled class and continues until course completion.
- b. No student will be admitted to class unless they can prove they have purchased a valid permit.

**9.2 Late Enrollment.** A student may miss the first three (3) hours of classroom instruction. However, the hours must be made up before any final tests are administered. Enrollment is not permitted if a student misses more than the first three (3) hours of classroom instruction.

## **9.3 Minimum Hours and Days**

- a. The course shall include thirty (30) hours of classroom instruction, six (6) hours of behind-the-wheel instruction, and six (6) hours of observation, per Section 49-2102, Idaho Code.
- b. The thirty (30) hours of classroom instruction requires contact with the instructor. Homework assignments completed outside the classroom shall not be counted in the thirty (30) hours.

## **9.4 Scheduling**

- a. Each behind-the-wheel lesson shall be taught in the classroom prior to practicing the lesson during behind-the wheel instruction.
- b. Classroom instruction shall not be completed prior to starting in-car practice.
- c. Two (2) or more separate classes may not be combined into one class unless the lesson and content is taught to the two classes for the first time.
- d. Before students begin behind-the-wheel instruction on a public roadway, they shall first be given classroom instruction for the basics of:
  - 1) Approaching the vehicle with awareness;
  - 2) Orientation to controls;
  - 3) Use of vision to control the vehicle;
  - 4) Proper use of the steering wheel;
  - 5) Accelerator and brake control;

- 6) Turning left and right;
- 7) Signs, signals, and markings; and
- 8) Rules of the road.
- e. The number of students scheduled per class shall not exceed a maximum of thirty-six (36).
- f. Classes scheduled for more than two (2) hours per day shall be provided a five (5) minute break every hour.
- g. Classroom instruction shall not begin earlier than 6 a.m. nor last later than 10 p.m.

#### **9.5. Behind-the-Wheel Driving Time**

- a. The maximum behind-the-wheel driving time for each student is sixty (60) minutes per day.
- b. Behind-the-wheel instruction must not exceed three (3) hours per week.
- c. Behind-the-wheel instruction shall not begin earlier than 6 a.m. nor end later than 10 p.m.
- d. Drive time shall not include time spent driving to pick up or drop off students unless the route meets the objective of the drive lesson.

#### **9.6 Observation Time**

- a. Students may observe from the rear seat of a driver education vehicle for a maximum of two (2) hours per day.
- b. The observation times and dates will be verified by the student's signature on an observation log and kept on file with the student's record.
- c. Observation time may be completed by observing a parent or legal guardian when it is determined to be in the best interest of the student. The school's form will be used for documentation of times, dates, and drive objectives.

## **9.7 Vehicle Occupants**

- a. Only the instructor and student driver may occupy the front seats.
- b. In-car instruction must include not less than two (2) or more than three (3) students in the car.
- c. One (1) student may be scheduled to drive when it is determined to be in the best interest of the student. This exception must have prior written permission from the parent or legal guardian.
- d. No person can occupy a rear seat unless involved as a student, parent or legal guardian, instructor or student enrolled in a driver education teacher preparation course, translator, or supervisor of the driver-training program.

**9.8 Multiple-Car Driving Range.** Two (2) hours of driving on a multiple-car driving range may be substituted for one (1) hour of behind-the-wheel instruction. No more than three (3) hours of the total six (6) hours may be substituted using multiple-car driving range instruction.

**9.9 Simulation Instruction.** Three (3) hours using a simulator may be substituted for one (1) hour of behind-the-wheel instruction. No more than three (3) hours of the total six (6) hours may be substituted using simulation instruction.

**9.10 Program Substitution.** No more than three (3) hours of the total six (6) hours may be substituted using a combination of multiple-car driving range or simulation instruction.

**9.11 Make Up Policy.** A make up policy for classroom and Behind-the Wheel instruction will ensure that all required hours of instruction and course content are completed. Students shall make up all course content relating to the final knowledge test, prior to the administration of the test. All make up lessons for Behind-the Wheel shall be completed prior to students taking the final driver education skills test.

## **9.12 Student Instruction Materials**

- a. Each student shall have access to instruction materials during the course. The instruction material shall be equal to, or exceed, the content of a current state-adopted driver education textbook and be compatible with the school's approved curriculum content outline. Textbooks, if used, shall be selected from the list adopted by the Department of Education.

- b. Each student shall have access to a current copy of the *Idaho Driver's Manual*. The *Idaho Driver's Manual* cannot be the sole source of instructional material.
- 9.13 **Practice Guide/Log.** Each student and their parent or legal guardian shall be informed of the requirements of the Graduated Driver Licensing law. They shall also be provided with a supervising driver practice guide and log for their use during the required four (4) months of the Graduated Driver Licensing practice period.
- 9.14 **Department of Motor Vehicle Student List.** A Student List of the teen drivers enrolled in the Driver Education and Training Program shall be signed and submitted to the DMV within three (3) business days after class completion.
- 9.15 **Transfer Students From Out Of State.** Students completing driver education in another state must have received an equivalent to Idaho's Approved Teen Driver Education and Training Program standards. The documentation must be on an official school form and signed by the instructor or administrator. Students not meeting this standard must complete an Idaho approved Driver Education and Training Program to be eligible for a license before age seventeen (17).

## 10.0 STUDENT PROFICIENCY

The standards for passing the Approved Teen Driver Education and Training Program shall be clearly set forth in writing to students by the completion of the first class.

- 10.1 **Student Areas Of Proficiency.** Students shall be assessed for knowledge, skills, and attitude. A student who fails in any one (1) of the three (3) grading criteria will be failed for the entire course.
- 10.2 **Supporting Documentation.** Supporting documentation of proficiency must be filed with the student's permanent record and retained by the school for three (3) years. .
- 10.3 **Course Completion.** Students shall be assessed on knowledge, skill, and attitude and earn a grade of eighty percent (80%) average or higher for successful completion of the course.
  - a. **Final Knowledge Test.** A final knowledge test shall be administered at the completion of the course and the results will be retained with the student's record for three (3) years.
  - b. **Behind-the-Wheel Skills Test.** A final behind-the-wheel skills test shall be administered at the completion of the course. Each school

must have planned, pre-determined routes. The student's skill test results will be retained with the student's records for three (3) years.

## **11.0 SUSPENSION, REVOCATION, OR DENIAL OF COMMERCIAL DRIVER SCHOOL OR INSTRUCTOR LICENSE**

**11.1 Grounds.** The Board may revoke, suspend, or deny any license authorized under Title 49, Chapter 21, Idaho Code, upon any of the following grounds:

- a. Noncompliance with Title 49, Chapter 21, Idaho Code or applicable Board rules;
- b. Making any material statement of fact in the application for a license that the applicant knows to be false;
- c. Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other, for a crime involving moral turpitude; or
- d. Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other, for any felony or other crime listed in Section 33-1208, Idaho Code

**11.2 Notice And Opportunity For Hearing.** Before denial, revocation, or suspension of a license is final, the Board shall provide opportunity for a hearing as set forth in Title 67, Chapter 52, Idaho Code and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". The applicant, licensee, or their representative may appear and show cause as to why the license should not be denied, suspended, or revoked. Pending final action, or expiration of the appeal period or process, the status quo of the license will be preserved.

- a. The applicant or licensee shall be notified by certified mail of the action to deny, suspend, or revoke a license and the reasons for denial, suspension, or revocation. Such notice will also set forth the applicant or licensee's appeal rights.
- b. If requested in writing by the applicant or licensee within twenty-one (21) days after receipt of the notice to deny, suspend, or revoke a license, the Board shall provide for a hearing.
- c. Any such hearing shall be conducted by an impartial hearing officer appointed by the Board and shall be an individual instructed in conducting administrative hearings.



- d. Notice of time and place of such a hearing shall be given in writing to the person requesting the hearing at least thirty (30) days prior to such hearing.
- e. Any person complained against may appear in person and may be represented by legal counsel, and may produce, examine, and cross-examine witnesses. If he/she chooses to do so, the person complained against may submit, for the consideration of the hearing officer, a statement in writing, in lieu of oral testimony, but any such statement will be under oath and the person complained against will be subject to cross-examination. The hearing officer may determine to suspend, deny, or revoke a license; or may provide a probation with certain conditions to be met before a license shall continue or be granted; or may order a letter of reprimand be sent to the licensee. Any action of the hearing officer will be included in the permanent file of the applicant or licensee.
- f. On the basis of such a hearing, or upon failure of the applicant or licensee to request such a hearing, the Board shall notify, by certified mail to the applicant or the licensee, the final decision to deny, suspend, or revoke approval of the license. The final decision will be a Preliminary Order, and contain the language required by Chapter 52, Title 67, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General", advising the licensee or applicant of any rights for further review of the decision.
- g. The applicant or licensee may appeal the final decision by filing an appeal in District Court within twenty-eight (28) days following receipt of the notification from the Department of Education.
- h. Whenever any license has been denied, suspended, or revoked, the Board shall, upon a clear showing that the cause constituting grounds for denial, suspension, or revocation no longer exists, issue or reinstate a license either conditionally or unconditionally.

## APPENDIX A

### Subpart E—Physical Qualifications and Examinations

#### § 391.41 Physical qualifications for drivers.

- (a) A person shall not drive a commercial motor vehicle unless he/she is physically qualified to do so and, except as provided in § 391.67, has on his/her person the original, or a photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle.
- (b) A person is physically qualified to drive a commercial motor vehicle if that person:
  - (1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a waiver pursuant to § 391.49;
  - (2) Has no impairment of:
    - (i) A hand or finger which interferes with prehension or power grasping; or
    - (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a waiver pursuant to § 391.49.
  - (3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;
  - (4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.
  - (5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a commercial motor vehicle safely;
  - (6) Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a commercial motor vehicle safely;
  - (7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease, which interferes with his/her ability to control and operate a commercial motor vehicle safely;
  - (8) Has no established medical history or clinical diagnosis of epilepsy or any other condition, which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;
  - (9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle safely;
  - (10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40

- (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;
- (11) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.
  - (12)
    - (i) Does not use a controlled substance identified in 21 CFR 1308.11 *Schedule I*, an amphetamine, a narcotic, or any other habit-forming drug.
    - (ii) *Exception.* A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who:
      - (A) Is familiar with the driver's medical history and assigned duties; and
      - (B) Has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and
  - (13) Has no current clinical diagnosis of alcoholism.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 36 FR 223, Jan. 7, 1971; 36 FR 12857, July 8, 1971; 43 FR 56900, Dec. 5, 1978; 55 FR 3554, Feb. 1, 1990; 60 FR 38744, July 28, 1995; 62 FR 37152, July 11, 1997]



Federal law prohibits discrimination on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status in any educational programs or activities receiving federal financial assistance. (Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.)

It is the policy of the Idaho State Department of Education not to discriminate in any educational programs or activities or in employment practices.

Inquiries regarding compliance with this nondiscriminatory policy may be directed to State Superintendent of Public Instruction, P.O. Box 83720, Boise, Idaho 83720-0027, (208) 332-6800, or to the Director, Office of Civil Rights, Seattle Office, U.S. Department of Education, 915 Second Avenue, Seattle WA 98174-1099, (206) 220-7880; FAX (206) 220-7887.

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